

SUPPORT FOR THE AMENDMENTS

The present amendment cancels claims 1-10 and adds new claims 11-30.

Support for newly added claim 11 is found in original claim 1.

Support for newly added claims 12 and 13 is found at specification page 3, lines 22-25, and page 4, lines 3-19.

Support for newly added claims 14 and 15 is found at specification page 9, lines 8-14, as well as original claim 2.

Support for newly added claims 16-18 is found at specification page 4, lines 20-24, page 5, lines 1-12, and page 19, Table 1, as well as original claims 3, 4 and 7.

Support for newly added claims 19-21 is found at specification page 10, lines 11-17.

Support for newly added claims 22-30 is found at specification page 9, lines 15-25, page 10, lines 1-10, page 19, Examples 1-5, page 22, lines 11-12, page 23, lines 13-14, page 24, line 17, page 25, lines 16-17, and page 26, line 2, as well as original claims 5, 6 and 8-10.

It is believed that these amendments have not resulted in the introduction of new matter.

REMARKS

Claims 11-30 are currently pending in the present application. Claims 1-10 have been cancelled, and new claims 11-30 have been added, by the present amendment.

Applicants wish to extend their appreciation to Examiner Venkat for the helpful and courteous discussion held on January 22, 2008, with their undersigned Representative. During the meeting, the obviousness rejections were discussed with a particular emphasis on comparative experimental data to be submitted in a 37 C.F.R. § 1.132 Declaration, which demonstrates that superior properties are achieved with the claimed polypropylene fibers of the present invention as compared to those achieved with conventional nylon and rayon fibers, for overcoming the rejections. The content of this discussion is believed to be reflected in the remarks set forth herein.

The rejections under 35 U.S.C. § 103(a) of now cancelled claims: (1) 1, 2 and 4 over Kosugi (JP 2002-154932) in view of Collin (U.S. Patent 6,491,931); and (2) claims 5-10 over Kosugi in view of Collin and Tanaka (JP 2002-284642), are respectfully traversed with respect to new claims 11-30.

New claim 11 recites a cosmetic composition for eyelashes comprising: polypropylene fibers having a thickness of from 0.1 denier to 12 denier, and a length of from 0.1 mm to 3 mm; and an oil soluble resin.

In contrast, Kosugi describes a cosmetic composition for eyelashes comprising: synthetic fibers, such as nylon and rayon, having a thickness of 1-20 denier, and a length of 0.5-5 mm; and an oil soluble resin (See e.g., abstract, [0010]).

Collin describes a cosmetic composition for keratin fibers comprising: synthetic fibers selected from a plethora of various synthetic fibers, which include among the exhaustive list thereof, nylon, rayon, and polyolefin (e.g., polypropylene), having a length of 0.1-10 mm; and an optional wax (See e.g., abstract, column 2, lines 6-35, column 4, lines 28-67, column 5, lines

1-22, and Examples 1-3). Nylon and rayon are the only synthetic fibers exemplified in the Examples of Collin.

Tanaka describes a powdered cosmetic composition comprising a resinous fraction extracted from candelilla wax having a softening temperature of 35-55°C (See e.g., [0005]).

Neither Kosugi, nor Collin, when considered alone or in combination, provide sufficient motivation and guidance to direct a skilled artisan to particularly select the claimed polypropylene fibers from either the tremendously broad genus of synthetic fibers, or the particularly preferred nylon and rayon fibers, described therein. Even if sufficient motivation and guidance is considered to have been provided by Kosugi and Collin to direct a skilled artisan to particularly select the claimed polypropylene fibers, which is not the case, such a case of obviousness is rebutted by a showing of superior results, as evidenced by the comparative experimental data presented in Table 1 of the present specification, and Tables A-F of the § 1.132 Declaration appended herewith.

Examples of the claimed cosmetic composition comprising polypropylene fibers having a thickness of 0.3, 0.5, 3, 6, 10 and 12 denier (D) and a length of 0.5, 1, 2 and 3 mm, which surprisingly exhibit superior long lash effect, long lasting effect, usability and uniformity, are shown in Tables 1 and A-F. Examples of the claimed cosmetic composition comprising polypropylene fibers present in an amount of 0.1, 0.5, 2, 5 and 10 wt. %, which surprisingly exhibit superior long lash effect, long lasting effect, usability and uniformity, are shown in Tables 1 and A-F.

Examples of the claimed cosmetic composition comprising an oil soluble resin selected from one or more of polyisobutylene (Ex. 28 of Table F), trimethylsiloxy silicate (Ex. 29 of Table F), decamethylcyclopentasiloxane (Ex. 29 of Table F), pentaerythrityl rosinate (Ex. 30 of Table F), candelilla resin obtained from fractionation and having a softening point of from 47°C to 48°C (Ex. 1-16 and 23-27 of Tables 1, A, B, C and E) and candelilla resin obtained from

fractionation and having a softening point of from 40°C to 41°C (Ex. 17-22 of Table D), which surprisingly exhibit superior long lash effect, long lasting effect, usability and uniformity, are shown in Tables 1 and A-F and described in the present specification (See e.g., page 9, lines 15-25, page 10, lines 1-14, and page 19).

Examples of the claimed cosmetic composition comprising untreated polypropylene fibers, which surprisingly exhibit superior long lash effect, long lasting effect, usability and uniformity, are shown in Table A (Ex. 1), Table B (Ex. 2-10), Table D (Ex. 17-21), Table E (Ex. 23-27) and Table F (Ex. 28-30). An Example of the claimed cosmetic composition comprising polypropylene fibers surface treated with silica, which surprisingly exhibits superior long lash effect, long lasting effect, usability and uniformity, is shown in Table 1 (Ex. 1). Examples of the claimed cosmetic composition comprising polypropylene fibers surface treated with a perfluoroalkylsilane compound according to general formula (2) (wherein a = 4, b = 2, c = 1, and X = -OCH<sub>2</sub>CH<sub>3</sub>), which surprisingly exhibit superior long lash effect, long lasting effect, usability and uniformity, are shown in Table C (Ex. 11-16) and Table D (Ex. 22) and described in the present specification (See e.g., page 6, lines 5-19).

Comparative Examples of conventional cosmetic compositions comprising untreated nylon fibers, as described in Kosugi and Collin, which exhibit inferior long lash effect, long lasting effect, usability and uniformity, are shown in Tables 1 and A (Comp. Ex. 1), Table B' (Comp. Ex. 1-5), Table D (Comp. Ex. 15) and Table F (Comp. Ex. 17-19). Comparative Examples of convention cosmetic compositions comprising surface treated nylon fibers, which exhibit inferior long lash effect, long lasting effect, usability and uniformity, are shown in Table C (Comp. Ex. 9-11). Comparative Examples of conventional cosmetic compositions comprising untreated rayon fibers, as described in Kosugi and Collin, which exhibit inferior long lash effect, long lasting effect, usability and uniformity, are shown in Tables 1 and A (Comp. Ex. 3), Table B' (Comp. Ex. 6-8), Table D (Comp. Ex. 16) and Table F (Comp. Ex. 20-22). Examples of

conventional surface treated rayon fibers, which exhibit inferior long lash effect, long lasting effect, usability and uniformity, are shown in Table C (Comp. Ex. 12-14).

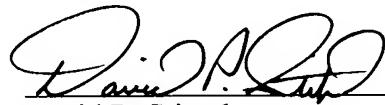
This evidence clearly illustrates that the claimed cosmetic composition comprising: polypropylene fibers having a thickness within the range of from 0.1 to 12 D and a length within the range of from 0.1 to 3 mm; and an oil soluble resin, unexpectedly exhibits superior properties, with respect to long lash effect, long lasting effect, usability and uniformity, as compared to the undesirable properties associated with conventional cosmetic compositions, which alternatively comprise nylon (polyamide) or rayon (cellulose) fibers, as described in Kosugi (See e.g., [0010]) and Collin (See e.g., Examples 1-3), in place of the claimed polypropylene fibers of the present invention. A skilled artisan could not have reasonably predicted the superior properties achieved with the claimed polypropylene fibers of the present invention.

Withdrawal of these grounds of rejection is respectfully requested.

In conclusion, Applicants submit that the present application is now in condition for allowance and notification to this effect is earnestly solicited.

Respectfully submitted,

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